

# **CALFRESH (CF) PROGRAM REQUEST FOR POLICY/REGULATION INTERPRETATION**

**INSTRUCTIONS:** Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

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|---|---|--------------------------------|
| 1. RESPONSE NEEDED DUE TO:<br><input checked="" type="checkbox"/> Policy/Regulation Interpretation<br><input type="checkbox"/> QC<br><input type="checkbox"/> Fair Hearing<br><input type="checkbox"/> Other: | 5. DATE OF REQUEST:<br>5/3/2013   | NEED RESPONSE BY:<br>5/20/2013 |
| 2. REQUESTOR NAME:  | 6. COUNTY/ORGANIZATION:<br>Yolo County  |                                |
| 3. PHONE NO.:   | 7. SUBJECT:<br>Shelter Deduction for Car Payment  |                                |
| 4. REGULATION CITE(S):<br>MPP 63-502.362(a) and 63-502.362(b)   | 8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references)<br><b>NOTE: All requests must have a regulation cite(s) and/or a reference(s).</b> |                                |

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

Yolo County has a homeless individual who is currently living in his car, which he owes money on. We are wondering if we should give this homeless man a shelter deduction for the amount of his car payment based on the fact that this is where he currently resides? His car payment is around \$400. He does have income from unemployment.

10. REQUESTOR'S PROPOSED ANSWER:

Yolo County cannot find anything in current policy/regulation the prevents us from being able to use a car payment as a shelter deduction. MPP 63-502.362(a) states that if the verified costs of the homeless shelter are higher than the homeless shelter deduction (which in this case it is), then then actual cost may be used as a housing cost instead of the homeless shelter deduction and utility costs may be claimed. MPP 63-502.362(b) states that costs leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home can be used as a shelter cost.

This question was posed to other counties at CWDA, most other counties state that this deduction should not be used because a car's intended use is not for living in, someone also mentioned something in regulations about "billed expenses" which I cannot find.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

Yes. The client may claim the homeless shelter deduction for those months during which he lives in his car for the full month. Regulations at MPP Section 63-502.31 provide that the homeless shelter deduction is available to homeless households who are not receiving free shelter. Per MPP 63-502.353, All homeless households which incur, or reasonably expect to incur, shelter costs during a month shall be eligible to use the homeless shelter deduction without providing verification of the shelter costs.

Regulations at MPP 63-102(h)(2) define a homeless person as an individual who lacks a fixed and regular nighttime residence or an individual whose primary nighttime residence is: (D) A place not designed for, nor ordinarily used, as a

(continued on next page)

## **FOR CDSS USE**

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| DATE RECEIVED: | DATE RESPONDED TO COUNTY/ALJ: |
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**CALFRESH (CF) PROGRAM**  
**REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)**

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STATE POLICY RESPONSE (continued from previous page):

regular sleeping accommodation for human beings (e.g. a hallway, a bus station, a lobby or similar place). An individual's car meets this definition. MPP 63-502.362(a) provides that if the verified costs of the homeless shelter are higher than the homeless shelter deduction, then then actual cost may be used as a housing cost instead of the homeless shelter deduction and utility costs may be claimed. This regulation is applicable since the car payment of \$400 exceeds the \$143 shelter deduction at MPP Section 63-1101.27.